



IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trieu § Docket No.: 31132.173
§ PC755.00
Serial No.: 10/765,260 §
Filing Date: January 27, 2004 § Examiner: Isabella, David J.
For: HYBRID INTERVERTEBRAL § Art Unit: 3738
DISC SYSTEM §

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

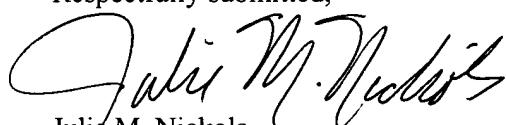
Dear Sir:

In response to the Office Action mailed August 17, 2004, applicant hereby elects, Group I, Claims 1-51 and 53-61, which is drawn to a vertebral implant.

Applicant's election is made with traverse on the grounds that the embodiments delineated by the examiner are not patentably distinct and therefore constitute a single invention concept.

An early action on the merits is respectfully requested.

Respectfully submitted,



Julie M. Nickols
Registration No. 50,826

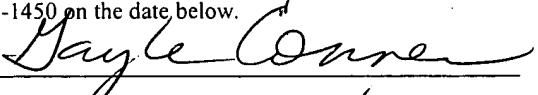
Date: Aug 30, 2004

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-739-8640
Facsimile: 214-200-0853

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date below.

Name


8-31-04

Date